

## **MDT R/W Pipeline Permitting**

The purpose of this document is to outline the Rules the Montana Department of Transportation follows in regards to oil pipelines crossing streams and rivers. The department's involvement is limited to permitting attachments to roadway bridges. The following is a condensed synopsis of the Administrative Rules of Montana, Chapter 18.7, subchapter 2, "Right-of-Way Occupancy by Utilities". Please refer to the ARM for detailed discussion.

No occupancy of highway right-of-way or attachment to highway structures shall be allowed until the utility acquires an approved agreement or permit from the MDT. During the approval process, the utility submits plans showing location and construction method to the department for review. General conditions of the permit/agreement include:

- The utility shall relocate if the state deems necessary for highway purposes.
- The utility shall be liable for any injury, death, damage to property or environment.
- Clearing of trees, bushes, and vegetation shall be held to a minimum.
- The state is not liable for damage which may occur to utility facilities occupying highway right-of-way.
- Retired or abandoned above ground facilities must be removed at the utilities' expense.
- Retired or abandoned underground facilities shall be removed at the department's discretion.
- The utility company shall comply with MEPA, Threatened and Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and all other applicable environmental laws.

Utility attachment to highway structures will not be permitted where it is reasonable to locate facilities elsewhere. Attachment will not be permitted unless the highway structure can support the additional load without compromising highway user safety and without impairing bridge inspection or maintenance. No new attachments to highway structures will be allowed by petroleum, natural gas, or other products pipelines in seismically active areas unless the structure has been retrofitted or built in compliance with seismic requirements since 1992. Seismically active are those areas where the anticipated acceleration coefficients due to an earthquake exceed 10% of gravity. All facilities attached to highway structures will be inspected at least once per year by the operator and the owner shall repair deficiencies immediately.

Pipelines attached to a highway structure shall have the carrier line encased throughout the length of the structure and beyond the abutments. The casing shall be effectively opened or vented at each end. The casing shall be designed to withstand the same internal pressures as the carrier line. The carrier line and casing shall be designed to prevent any discharge from damaging the highway structure or reaching the waterway in the event of a rupture. The attachment will be installed so that it does not reduce the vertical clearance above rivers, streams, pavement, or top of a rail. Utilities will be attached on the downstream side. Attachment of pipelines carrying corrosive substances shall not be permitted.